

REMARKS/ARGUMENTS

The Office Action of March 31, 2004 has been reviewed and carefully considered.

Claims 14, 17, 18, 21-38, 40-42 and 44-58 are pending in the application. Claims 14, 17, 18, 21-38, 40, 41 and 44-53 have been allowed. Claim 42 is objected to. Claims 54-58 stand rejected.

By this Amendment, claims 42 and 54 have been amended.

Reconsideration of the above-identified application, as herein amended, is respectfully requested.

At the outset, appreciation is expressed for the Examiner's allowance of claims 14, 17, 18, 21-38, 40, 41 and 44-53.

The objection to claim 42 is dealt with herein by changing the dependency of claim 42 from cancelled claim 39 to claim 37, as was originally intended.

Claims 54-58 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,249,393 to Ciambra. Claims 54-58 also stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,237,367 to Cheng in view U.S. Patent No. 271,121 to Riley.

By this Amendment, claim 54 to has been amended to overcome these Section 102(b) and Section 103(a) rejections.

Specifically, with respect to the Section 102(b) rejection, clarifying language has been added to claim 54 to emphasize that the "suspendable decorative part" hangs from and below the attachment portion to which it is dependingly connected. Thus, claim 54 now recites "said decorative part being connected dependingly to said attachment portion

for hanging suspension of the decorative part from and below the attachment portion engaging the ear." In Ciambra, on the other hand, the "ornamental member" 11 (Figs. 1 to 3) is not connected dependingly to the attachment portion for hanging suspension of the ornamental member from and below the attachment portion engaging the ear.

With respect to the Section 103(a) rejection, claim 54 has been amended to now recite that the first elongated substantially rectilinear portion of the attachment portion extends "at a fixed first angle" from the plane of suspension defined by the suspendable decorative part. Neither Cheng nor Riley teach or disclose or suggest an attachment portion in which a first elongated substantially rectilinear portion extends at a fixed first angle from the plane of suspension defined by a suspendable decorative part.

In a telephone conversation with Examiner Ho on April 14, 2004 in which the claim amendments effected herein to claim 54 were discussed with the undersigned, Examiner Ho agreed that these amendments to claim 54 overcome the rejections of record and thereby place independent claim 54, and claims 55 to 58 which depend therefrom, in condition for allowance.

In view of the foregoing, it is believed that all of the claims now pending in this application -- namely claims 14, 17, 18, 21-38, 40-42 and 44-58, are allowable over the prior art of record, and a Notice of Allowance for this application is therefore once more solicited.

In the event that any fees or charges are required in connection with this application at the present time, the same may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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